

## ASSESSMENT BY THE COMMONWEALTH OMBUDSMAN FOR TABLING IN PARLIAMENT

*Under s 486O of the Migration Act 1958*

This is the second s 486O assessment on Mr X who has remained in immigration detention for a cumulative period of more than three years. The previous assessment 1002558-O was tabled in Parliament on 7 February 2018. This assessment provides an update and should be read in conjunction with the previous assessment.

<b>Name</b>	Mr X
<b>Citizenship</b>	Country A
<b>Year of birth</b>	1977
<b>Ombudsman ID</b>	1002558-O1
<b>Date of department's report</b>	21 December 2017
<b>Total days in detention</b>	1,094 (at date of department's report)

### Recent detention history

Since the Ombudsman's previous assessment, Mr X remained at Facility B. <sup>1</sup>	
September 2017	Transferred to Facility D.

### Recent visa applications/case progression

August 2017	Safe Haven Enterprise visa (SHEV) refused under s 501 of the <i>Migration Act 1958</i> .
October 2017 and November 2017	The Administrative Appeals Tribunal (AAT) remitted Mr X's case to the Department of Home Affairs (the department) for reconsideration with the direction that Mr X's SHEV application not be refused under s 501.
December 2017	The department advised that consideration of the AAT's decision remained ongoing.

### Health and welfare

International Health and Medical Services (IHMS) advised that Mr X continued to receive treatment for pain. He was reviewed by specialists and underwent investigative testing. He was prescribed with medication and referred for physiotherapy. He continued to await an appointment with a specialist for further review at the time of IHMS's latest report.	
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<sup>1</sup> The Ombudsman's previous report incorrectly recorded that Mr X was placed at Facility C when he was placed at Facility B.

**Case status**

Mr X was detained in July 2013 after arriving in Australia by sea and has remained in an immigration detention facility for a cumulative period of more than three years.

The Ombudsman's previous assessment recommended that IHMS review Mr X's medical needs and provide him with his test results and medical records.

On 7 February 2018 the Minister advised that IHMS continues to review Mr X's medical needs and that Mr X has been informed of his medical test results and received his medical records.

In August 2017 Mr X's SHEV application was refused under s 501 and in October 2017 the AAT remitted Mr X's case to the department for reconsideration with the direction that Mr X's SHEV application not be refused under s 501.

At the time of the department's report consideration of the AAT's decision remained ongoing.